

AGENDA ITEM #: \_\_\_\_\_

DATE: October 7, 2016

COAC #: 16-5909

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

<b>SUBJECT:</b> Application for a new Series 6 Liquor License for Harkins Estrella Falls, LLC, dba Harkins Theaters at Estrella Falls.	<b>STAFF PRESENTER:</b> Maureen Scott, City Clerk  <b>CASE NUMBER:</b> N/A  <b>OTHER PRESENTER:</b> N/A
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**RECOMMENDATION:**

Approve a request from Andrea Dahlman Lewkowitz, agent for Harkins Estrella Falls, LLC, for a Series 6 Person Transfer/Location Transfer Liquor License #06070129, located at 15010 West McDowell Road, Goodyear, Arizona 85395 (generally located near the northeast corner of McDowell Road and North 150<sup>th</sup> Drive).

**PURPOSE:**

Ms. Lewkowitz has applied for a Person Transfer/Location Transfer Series 6 (Bar) Liquor License #06070129 with the Arizona Department of Liquor Licenses and Control. Harkins Theaters anticipates opening this new location in October, 2016.

**BACKGROUND AND PREVIOUS ACTIONS:**

The City Clerk's Office received this application from the Department of Liquor Licenses and Control on September 14<sup>th</sup>. The agent on the application at that time was Clare Hollie Abel. We received an Amendment from the Arizona Department of Liquor Licenses and Control on September 30, 2016, changing the agent to Andrea Dahlman Lewkowitz. Harkins Theaters is not a franchise.

Harkins Theaters is a family owned and operated business, founded and based in Arizona since 1933. With 30 locations in five states, Harkins Theatres is the 5th largest theater circuit in North America.

Harkins currently has a location that sells liquor at Camelview Plaza in Scottsdale. They are also applying with the City of Chandler to sell liquor at the Chandler Crossroads location.

**CURRENT POLICY:**

A Series 6 License is a "Bar license", and means authorization issued to an on-sale retailer to sell:

- a. Spirituous liquors in individual portions for consumption on the licensed premises;
- b. Spirituous liquors in an original, unopened, container for consumption off the licensed premises provided sales for consumption off the licensed premises, by total retail sales of spirituous liquor at the licensed premises, are no more than the percentage of the sales price of on-sale spirituous liquor established under A.R.S. § 4-206.01(F); and
- c. Beer in a clean glass container that is sealed and labeled as described in A.R.S. § 4-244(32).

A person transfer license includes partnerships, associations, limited liability companies or corporations, as well as a natural person. ARS § 4-101(25).

A location transfer is the application process for moving a license from one premises to another within the same county. ARS § 4-203.

The City Council's recommendation of approval, disapproval or no recommendation will be forwarded to the Department of Liquor Licenses and Control ("Department") for their consideration. If the City Council recommendation is for approval, no hearing is required unless the Director of the Department, the State Liquor Board ("Board"), or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If no hearing is requested, the Director may approve the license. If the City Council recommendation is for disapproval of an application, a statement of the specific reasons along with a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order of disapproval and submitted to the Director and a public hearing will be held.

If the City Council recommendation is no recommendation, the Director may cancel the hearing and issue the license unless the Board, or any aggrieved party, protests and requests a hearing. If the reason for the protest is clearly removed or deemed satisfied by the Director, the Board shall cancel the hearing and the Department may issue the license.

**PUBLIC PARTICIPATION:**

The application has been properly posted on the property for the State mandated 20-day period. Any petitions or protests pursuant to ARS § 4-201(b) received during the 20-day posting period will be added to this report.

**STAFF ANALYSIS:**

The applicant informed staff that there will be a manager who is certified in the sale of alcohol on site at all times, and staff will be trained in responsible alcohol sales and service.

There are no licensed childcare facilities or K-12 schools within 300 ft. of the location.

The application has been routed to Police, Fire, Code Enforcement, and Community Development, and any comments are listed on Attachment A. The completed application is on file in the City Clerk's Office.

**FISCAL ANALYSIS:**

The applicant has paid the \$635.00 application fee per the Goodyear Municipal User Fee Schedule. This business will contribute to the tax base of the community.

**ATTACHMENTS:**

1. Attachment A
2. Map with one-mile radius

## Attachment A

Liquor License Application

Received September 14, 2016

Applicant: Clare Hollie Abel, agent for Harkins Estrella Falls, LLC

Business Name: Harkins Theaters at Estrella Falls

License No.: 06070129

Department	Comments
Police	None
Fire	None
Code	None
Development Services	None

### Goodyear Liquor License Locations within One Mile

Ah-So Sushi & Steak (Series 12)	15475 W McDowell Rd
Akaihana Sushi & Grill (Series 12)	2293 N Pebble Creek Pkwy
Arriba Mexican Grill (Series 3 & 12)	15370 W McDowell Rd
Augie's Sports Grill (Series 12)	15605 W Roosevelt St
Barro's Pizza (Series 12)	15475 W McDowell Rd
BEVMO (Series 6 & 9)	15405 W McDowell Rd
Olive Garden (Series 12)	15411 W McDowell Rd
Native Grill & Wings (Series 12)	15375 W McDowell Rd
Pf Chang's (Series 12)	14681 W McDowell Rd
Quiktrip (Series 10)	575 N Estrella Pkwy
Red Lobster (Series 12)	15311 W McDowell Rd
Red Robin (Series 12)	14551 W McDowell Rd
Rubios (Series 12)	15479 W McDowell Rd
Saddle Mountain Brewery (Series 3 & 12)	15651 W. Roosevelt St
Safeway (Series 9)	440 N Estrella Pkwy
Tuscany Falls Clubhouse (Series 6)	16222 West Clubhouse Dr
Walgreens (Series 10)	1654 N Pebble Creek Pkwy
Walgreens (Series 10)	387 N Estrella Pkwy
Texas Roadhouse (Series 12)	15255 W McDowell Rd
Señor Taco (Series 12)	525 N Estrella Pkwy
WinCo (Series 9)	15535 W McDowell Rd

**Series 3 (Microbrewery)**

**Series 6 (Bar)**

**Series 9 (Liquor Store)**

**Series 10 (Beer & Wine Store)**

**Series 12 (Restaurant)**

